

# HOUSE BILL No. 1314

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1; IC 32-30-10.6.

**Synopsis:** Abandoned and vacant property. Specifies that there must be delinquent property taxes or special assessments on real property before it may be sold by the county treasurer as abandoned or vacant property. Provides that an order of a local building standards hearing authority that real property is abandoned or vacant and nonpayment of the associated penalty permits the executive of the county, city, or town to certify to the county auditor that the real property should be sold as abandoned or vacant property. Provides that a hearing authority may use the same standards that are used by a court in finding that real property is abandoned or vacant for purposes of selling the real property at an abandoned and vacant property sale. Permits a county, city, or town executive to use the courts instead of a hearing authority for the determination that a property is abandoned or vacant. Specifies that the county treasurer and not the county auditor is to auction abandoned or vacant property. Eliminates the concept of redemption after sale regarding abandoned or vacant property to be sold by the county treasurer. Provides that the county, city, or town executive that certifies a property as abandoned or vacant has an option to take ownership of the property if the minimum bid is not received. Separates out several provisions concerning abandoned and vacant property sales from delinquent tax sales and makes related changes. Makes technical corrections.

**Effective:** January 1, 2015 (retroactive).

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## Riecken, Burton, Moed

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January 13, 2015, read first time and referred to Committee on Local Government.

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First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1314

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 6-1.1-24-1, AS AMENDED BY THE TECHNICAL  
2       CORRECTIONS BILL OF THE 2015 GENERAL ASSEMBLY, IS  
3       AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1,  
4       2015 (RETROACTIVE)]: Sec. 1. (a) On or after January 1 of each  
5       calendar year in which a tax sale will be held in a county and not later  
6       than fifty-one (51) days after the first tax payment due date in that  
7       calendar year, the county treasurer ~~for county executive, in the case of~~  
8       ~~property described in subdivision (2))~~ shall certify to the county auditor  
9       a list of real property on which any of the following exist:  
10       (1) *In the case of real property, other than real property*  
11       ~~described in subdivision (2);~~ any property taxes or special  
12       assessments certified to the county auditor for collection by the  
13       county treasurer from the prior year's spring installment or before  
14       are delinquent as determined under IC 6-1.1-37-10 and the  
15       delinquent property ~~tax or taxes,~~ special assessments, ~~penalties,~~



fees, or interest due exceed twenty-five dollars (\$25).

*(2) In the case of real property for which a county executive has certified to the county auditor that the real property is:*

*(A) vacant; or*

*(B) abandoned;*

*any property taxes or special assessments from the prior year's fall installment or before that are delinquent as determined under IC 6-1.1-37-10. The county executive must make a certification under this subdivision not later than sixty-one (61) days before the earliest date on which application for judgment and order for sale may be made. The executive of a city or town may provide to the county executive of the county in which the city or town is located a list of real property that the city or town has determined to be vacant or abandoned. The county executive shall include real property included on the list provided by a city or town executive on the list certified by the county executive to the county auditor under this subsection.*

~~(3)~~ (2) Any unpaid costs are due under section 2**(b)** **2(c)** of this chapter from a prior tax sale.

(b) The county auditor shall maintain a list of all real property eligible for sale. Except as provided in section 1.2 or another provision of this chapter, the taxpayer's property shall remain on the list. The list must:

(1) describe the real property by parcel number and common address, if any;

(2) for a tract or item of real property with a single owner, indicate the name of the owner; and

(3) for a tract or item with multiple owners, indicate the name of at least one (1) of the owners.

(c) Except as otherwise provided in this chapter, the real property so listed is eligible for sale in the manner prescribed in this chapter.

(d) Not later than fifteen (15) days after the date of the county treasurer's certification under subsection (a), the county auditor shall mail by certified mail a copy of the list described in subsection (b) to each mortgagee who requests from the county auditor by certified mail a copy of the list. Failure of the county auditor to mail the list under this subsection does not invalidate an otherwise valid sale.

SECTION 2. IC 6-1.1-24-1.2, AS AMENDED BY P.L.166-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: Sec. 1.2. (a) Except as provided in subsection (c), a tract or an item of real property may not be removed from the list certified under section 1 **or 1.5** of this chapter



before the tax sale unless all:

(1) delinquent taxes and special assessments due before the date the list on which the property appears was certified under section 1 **or 1.5** of this chapter; and

(2) penalties due on the delinquency, interest, and costs directly attributable to the tax sale; have been paid in full.

(b) A county treasurer may accept partial payments of delinquent property taxes, assessments, penalties, interest, or costs under subsection (a) after the list of real property is certified under section 1 **or 1.5** of this chapter. However, a partial payment does not remove a tract or an item from the list certified under section 1 **or 1.5** of this chapter unless the taxpayer complies with subsection (a) or (c) before the date of the tax sale.

(c) A county auditor shall remove a tract or an item of real property from the list certified under section 1 **or 1.5** of this chapter before the tax sale if the county treasurer and the taxpayer agree to a mutually satisfactory arrangement for the payment of the delinquent taxes.

(d) The county auditor shall remove the tract or item from the list certified under section 1 **or 1.5** of this chapter if:

(1) the arrangement described in subsection (c):

(A) is in writing;

(B) is signed by the taxpayer; and

(C) requires the taxpayer to pay the delinquent taxes in full not later than the last business day before July 1 of the year after the date the agreement is signed; and

(2) the county treasurer has provided a copy of the written agreement to the county auditor.

(e) If the taxpayer fails to make a payment under the arrangement described in subsection (c):

(1) the arrangement is void; and

(2) the county auditor shall immediately place the tract or item of real property on the list of real property eligible for sale at a tax sale.

(f) If a taxpayer fails to make a payment under an arrangement entered into under subsection (c), the county treasurer and the taxpayer may enter into a subsequent arrangement and avoid the penalties under subsection (e).

SECTION 3. IC 6-1.1-24-1.5, AS AMENDED BY P.L.66-2014, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: Sec. 1.5. (a) As used in this chapter and IC 6-1.1-25, "county executive" means the following:



(1) In a county not containing a consolidated city, the county executive or the county executive's designee.

(2) In a county containing a consolidated city, the executive of the consolidated city.

(b) ~~The county executive or an executive of a city or town may, after obtaining If:~~

**(1) any property taxes or special assessments from the prior year's fall installment or before are delinquent on real property as determined under IC 6-1.1-37-10; and**

**(2) an order from a court or a determination of a hearing authority has been obtained under IC 32-30-10.6 that the real property is vacant or abandoned; and**

**the executive of the county, city, or town may, after providing either the notice required by IC 32-30-10.6-6 or section 2.3 of this chapter, certify a list of vacant or abandoned property to the county auditor. This list must be delivered to the county auditor before July 1 each year.**

(c) Upon receiving lists described in subsection (b), the county auditor shall do all the following:

(1) Prepare a combined list of the properties certified by the executive of the county, city, or town.

(2) Delete any property described in that list from the delinquent tax list prepared under section 1 of this chapter.

(3) Provide public notice of the sale of the properties under subsection (d) at least thirty (30) days before the date of the sale, which shall be published in accordance with IC 5-3-1, **and post a copy of the notice at a public place of posting in the county courthouse or in another public county building at least twenty-one (21) days before the date of sale.**

~~(4) Auction the property. Certify to the county treasurer that~~ **the real property is to be sold at auction under this chapter as required by section 5(j) of this chapter.**

(5) Issue a deed to the real property **that conveys a fee simple interest** to the highest bidder ~~whose~~ **as long as the** bid is at least the minimum bid specified in this section.

The minimum bid for a property at the auction under this section is the proportionate share of the actual costs incurred by the county in conducting the sale. Any amount collected from the sale of all properties under this section above the total minimum bids shall first be used to pay the costs of the county, city, or town that certified the property vacant or abandoned for title search and court proceedings. Any amount remaining from the sale shall be certified by the county



1 treasurer to the county auditor for distribution to other taxing units  
2 during settlement.

3 (d) Notice of the sale under this section must contain the following:

4 (1) A list of ~~tracts or~~ real property eligible for sale under this  
5 chapter.

6 (2) A statement that:

7 (A) the ~~tracts or~~ real property included in the list will be sold  
8 at public auction to the highest bidder;

9 **(B) the county auditor will issue a deed to the real property**  
10 **that conveys a fee simple interest to the highest bidder that**  
11 **bids at least the minimum bid; and**

12 **(C) the owner will have no right to redeem the real**  
13 **property after the date of the sale.**

14 **A deed issued under this subdivision to the highest bidder**  
15 **conveys the same fee simple interest in the real property as a**  
16 **deed issued under IC 6-1.1-25.**

17 (3) A statement that the ~~tracts or~~ real property will not be sold for  
18 less than an amount equal to actual proportionate costs incurred  
19 by the county that are directly attributable to the abandoned  
20 property sale.

21 (4) A statement for informational purposes only, of the location  
22 of each ~~tract or~~ item of real property by key number, if any, and  
23 street address, if any, or a common description of the property  
24 other than a legal description. The township assessor, or the  
25 county assessor if there is no township assessor for the township,  
26 upon written request from the county auditor, shall provide the  
27 information to be in the notice required by this subsection. A  
28 misstatement in the key number or street address does not  
29 invalidate an otherwise valid sale.

30 (5) A statement that the county does not warrant the accuracy of  
31 the street address or common description of the property.

32 (6) A statement that the sale will be conducted at a place  
33 designated in the notice and that the sale will continue until all  
34 ~~tracts and~~ real property ~~have~~ **has** been offered for sale.

35 (7) A statement that the sale will take place at the times and dates  
36 designated in the notice.

37 Whenever the public auction is to be conducted as an electronic sale,  
38 the notice must include a statement indicating that the public auction  
39 will be conducted as an electronic sale and a description of the  
40 procedures that must be followed to participate in the electronic sale.

41 SECTION 4. IC 6-1.1-24-2, AS AMENDED BY P.L.66-2014,  
42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JANUARY 1, 2015 (RETROACTIVE)]: Sec. 2. **(a) This section does not apply to vacant or abandoned real property that is on the list prepared by the county auditor under section 1.5 of this chapter.**

**(a) (b)** In addition to the delinquency list required under section 1 of this chapter, each county auditor shall prepare a notice. The notice shall contain the following:

(1) A list of tracts or real property eligible for sale under this chapter.

(2) A statement that the tracts or real property included in the list will be sold at public auction to the highest bidder, subject to the right of redemption.

(3) A statement that the tracts or real property will not be sold for an amount which is less than the sum of:

(A) the delinquent taxes and special assessments on each tract or item of real property;

(B) the taxes and special assessments on each tract or item of real property that are due and payable in the year of the sale, whether or not they are delinquent;

(C) all penalties due on the delinquencies;

(D) an amount prescribed by the county auditor that equals the sum of:

(i) the greater of twenty-five dollars (\$25) or postage and publication costs; and

(ii) any other actual costs incurred by the county that are directly attributable to the tax sale; and

(E) any unpaid costs due under subsection **(b) (c)** from a prior tax sale.

(4) A statement that a person redeeming each tract or item of real property after the sale must pay:

(A) one hundred ten percent (110%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed not more than six (6) months after the date of sale;

(B) one hundred fifteen percent (115%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed more than six (6) months after the date of sale;

(C) the amount by which the purchase price exceeds the minimum bid on the tract or item of real property plus five percent (5%) per annum on the amount by which the purchase price exceeds the minimum bid; and



- 1 (D) all taxes and special assessments on the tract or item of
- 2 real property paid by the purchaser after the tax sale plus
- 3 interest at the rate of five percent (5%) per annum on the
- 4 amount of taxes and special assessments paid by the purchaser
- 5 on the redeemed property.
- 6 (5) A statement for informational purposes only, of the location
- 7 of each tract or item of real property by key number, if any, and
- 8 street address, if any, or a common description of the property
- 9 other than a legal description. The township assessor, or the
- 10 county assessor if there is no township assessor for the township,
- 11 upon written request from the county auditor, shall provide the
- 12 information to be in the notice required by this subsection. A
- 13 misstatement in the key number or street address does not
- 14 invalidate an otherwise valid sale.
- 15 (6) A statement that the county does not warrant the accuracy of
- 16 the street address or common description of the property.
- 17 (7) A statement indicating:
- 18 (A) the name of the owner of each tract or item of real
- 19 property with a single owner; or
- 20 (B) the name of at least one (1) of the owners of each tract or
- 21 item of real property with multiple owners.
- 22 (8) A statement of the procedure to be followed for obtaining or
- 23 objecting to a judgment and order of sale, that must include the
- 24 following:
- 25 (A) A statement:
- 26 (i) that the county auditor and county treasurer will apply on
- 27 or after a date designated in the notice for a court judgment
- 28 against the tracts or real property for an amount that is not
- 29 less than the amount set under subdivision (3), and for an
- 30 order to sell the tracts or real property at public auction to
- 31 the highest bidder, subject to the right of redemption; and
- 32 (ii) indicating the date when the period of redemption
- 33 specified in IC 6-1.1-25-4 will expire.
- 34 (B) A statement that any defense to the application for
- 35 judgment must be:
- 36 (i) filed with the court; and
- 37 (ii) served on the county auditor and the county treasurer;
- 38 before the date designated as the earliest date on which the
- 39 application for judgment may be filed.
- 40 (C) A statement that the county auditor and the county
- 41 treasurer are entitled to receive all pleadings, motions,
- 42 petitions, and other filings related to the defense to the



- 1 application for judgment.
- 2 (D) A statement that the court will set a date for a hearing at
- 3 least seven (7) days before the advertised date and that the
- 4 court will determine any defenses to the application for
- 5 judgment at the hearing.
- 6 (9) A statement that the sale will be conducted at a place
- 7 designated in the notice and that the sale will continue until all
- 8 tracts and real property have been offered for sale.
- 9 (10) A statement that the sale will take place at the times and
- 10 dates designated in the notice. Whenever the public auction is to
- 11 be conducted as an electronic sale, the notice must include a
- 12 statement indicating that the public auction will be conducted as
- 13 an electronic sale and a description of the procedures that must be
- 14 followed to participate in the electronic sale.
- 15 (11) A statement that a person redeeming each tract or item after
- 16 the sale must pay the costs described in IC 6-1.1-25-2(e).
- 17 (12) If a county auditor and county treasurer have entered into an
- 18 agreement under IC 6-1.1-25-4.7, a statement that the county
- 19 auditor will perform the duties of the notification and title search
- 20 under IC 6-1.1-25-4.5 and the notification and petition to the
- 21 court for the tax deed under IC 6-1.1-25-4.6.
- 22 (13) A statement that, if the tract or item of real property is sold
- 23 for an amount more than the minimum bid and the property is not
- 24 redeemed, the owner of record of the tract or item of real property
- 25 who is divested of ownership at the time the tax deed is issued
- 26 may have a right to the tax sale surplus.
- 27 (14) If a determination has been made under subsection ~~(d)~~, (e),
- 28 a statement that tracts or items will be sold together.
- 29 (15) With respect to a tract or an item of real property that is
- 30 subject to sale under this chapter after June 30, 2012, and before
- 31 July 1, 2013, a statement declaring whether an ordinance adopted
- 32 under IC 6-1.1-37-10.1 is in effect in the county and, if
- 33 applicable, an explanation of the circumstances in which penalties
- 34 on the delinquent taxes and special assessments will be waived.
- 35 ~~(b)~~ (c) If within sixty (60) days before the date of the tax sale the
- 36 county incurs costs set under subsection ~~(a)(3)(D)~~ (b)(3)(D) and those
- 37 costs are not paid, the county auditor shall enter the amount of costs
- 38 that remain unpaid upon the tax duplicate of the property for which the
- 39 costs were set. The county treasurer shall mail notice of unpaid costs
- 40 entered upon a tax duplicate under this subsection to the owner of the
- 41 property identified in the tax duplicate.
- 42 ~~(e)~~ (d) The amount of unpaid costs entered upon a tax duplicate



under subsection ~~(b)~~ (c) must be paid no later than the date upon which the next installment of real estate taxes for the property is due. Unpaid costs entered upon a tax duplicate under subsection ~~(b)~~ (c) are a lien against the property described in the tax duplicate, and amounts remaining unpaid on the date the next installment of real estate taxes is due may be collected in the same manner that delinquent property taxes are collected.

~~(d)~~ (e) The county auditor and county treasurer may establish the condition that a tract or item will be sold and may be redeemed under this chapter only if the tract or item is sold or redeemed together with one (1) or more other tracts or items. Property may be sold together only if the tract or item is owned by the same person.

SECTION 5. IC 6-1.1-24-2.2 IS REPEALED [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]. ~~Sec. 2.2: Whenever a notice required under section 2 of this chapter includes real property on the list prepared under section 1(a)(2) (repealed) or 1.5(d) of this chapter, the notice must also contain a statement that:~~

~~(1) the property is on the alternate list prepared under section 1(a)(2) (repealed) or 1.5(d) of this chapter;~~

~~(2) if the property is not redeemed within one hundred twenty (120) days after the date of sale, the county auditor shall execute and deliver a deed for the property to the purchaser or purchaser's assignee; and~~

~~(3) if the property is offered for sale and a bid is not received for at least the amount required under section 5 of this chapter, the county auditor may execute and deliver a deed for the property to the county executive; subject to IC 6-1.1-25.~~

SECTION 6. IC 6-1.1-24-2.3, AS ADDED BY P.L.66-2014, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: Sec. 2.3. (a) This section applies to **a an item of real property that has been certified as for which a court order or a determination by a hearing authority has been obtained under IC 32-30-10.6 that the real property is vacant or abandoned under section 1.5 of this chapter.**

(b) **If the executive of the county, city, or town that has jurisdiction of the property plans to certify an item of real property as vacant or abandoned under section 1.5 of this chapter and a notice was not sent with regard to a tract or the real property as permitted by IC 32-30-10.6-6, the executive of the county, city, or town that has jurisdiction of the property shall send a notice shall be sent to the owner of record and to any person with a substantial property interest of public record in the tract or real property at least**



one hundred twenty (120) days before the date of the certification under section 1.5 of this chapter. The notice must contain at least the following:

(1) A statement that an abandoned property sale will be held on or after a specified date.

(2) A description of the ~~tract or~~ real property to be sold.

(3) A statement that ~~any person may redeem the tract or to prevent the sale of the real property at the abandoned property sale, the owner must pay all delinquent taxes and special assessments on the~~ real property ~~at or~~ before the ~~date of the~~ abandoned property sale.

~~(4) The components of the amount required to redeem the tract or real property.~~

~~(5) (4) A statement that if the real property is not redeemed, sold at the abandoned property sale, a tax deed may will be issued to the purchaser that provides the purchaser with a fee simple interest in the real property.~~

~~(6) (5) The street address, if any, or a common description of the tract or real property.~~

~~(7) (6) The key number or parcel number of the tract or real property.~~

**A notice required by this section is in addition to the notice required by section 1.5 of this chapter.**

(c) A notice under this section ~~must~~ **may not** include ~~not~~ more than one (1) ~~tract or~~ item of real property listed to be sold in one (1) description. However, when more than one (1) ~~tract or~~ item of real property is owned by one (1) person, all of the ~~tracts~~ **items** of real property that are owned by that person may be included in one (1) notice.

(d) A single notice under this section may be used to notify joint owners of record at the last address of the joint owners for the property sold, as indicated in the records of the county auditor.

(e) The notice required by this section is considered sufficient if the notice is mailed **by certified mail, return receipt requested**, to:

**(1) all owners of record of real property at** the last address of the owner for the property, as indicated in the records of the county auditor; and

**(2) any person with a substantial property interest of public record at the address for the person included in the public record that indicates the interest;**

**as of the date that the tax sale list is certified.**

(f) The notice under this section is not required for persons in



possession not shown in the public records.

SECTION 7. IC 6-1.1-24-3, AS AMENDED BY P.L.169-2006, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: Sec. 3. **(a) This section does not apply to vacant or abandoned real property that is on the list prepared by the county auditor under section 1.5 of this chapter.**

~~(a)~~ **(b)** When real property is eligible for sale under this chapter, the county auditor shall post a copy of the notice required by ~~sections~~ **section 2 and 2-2** of this chapter at a public place of posting in the county courthouse or in another public county building at least twenty-one (21) days before the earliest date of application for judgment. In addition, the county auditor shall, in accordance with IC 5-3-1-4, publish the notice required in ~~sections~~ **section 2 and 2-2** of this chapter once each week for three (3) consecutive weeks before the earliest date on which the application for judgment may be made. The expenses of this publication shall be paid out of the county general fund without prior appropriation.

~~(b)~~ **(c)** At least twenty-one (21) days before the application for judgment is made, the county auditor shall mail a copy of the notice required by ~~sections~~ **section 2 and 2-2** of this chapter by certified mail, return receipt requested, to any mortgagee who annually requests, by certified mail, a copy of the notice. However, the failure of the county auditor to mail this notice or its nondelivery does not affect the validity of the judgment and order.

~~(c)~~ **(d)** The notices mailed under this section ~~and the advertisement published under section 4(b) of this chapter~~ are considered sufficient notice of the intended application for judgment and of the sale of real property under the order of the court.

SECTION 8. IC 6-1.1-24-4, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: Sec. 4. **(a) This section does not apply to vacant or abandoned real property that is on the list prepared by the county auditor under section 1.5 of this chapter.**

**(a) (b)** Not less than twenty-one (21) days before the earliest date on which the application for judgment and order for sale of real property eligible for sale may be made, the county auditor shall send a notice of the sale by certified mail, return receipt requested, to:

- (1) the owner of record of real property with a single owner; or
- (2) at least one (1) of the owners, as of the date of certification, of real property with multiple owners;

at the last address of the owner for the property as indicated in the



records of the county auditor on the date that the tax sale list is certified. In addition, the county auditor shall mail a duplicate notice to the owner of record, as described in subdivisions (1) and (2), by first class mail to the owners from whom the certified mail return receipt was not signed and returned. Additionally, the county auditor may determine that mailing a first class notice to or serving a notice on the property is a reasonable step to notify the owner, if the address of the owner is not the same address as the physical location of the property. If both notices are returned due to incorrect or insufficient addresses, the county auditor shall research the county auditor records to determine a more complete or accurate address. If a more complete or accurate address is found, the county auditor shall resend the notices to the address that is found in accordance with this section. Failure to obtain a more complete or accurate address does not invalidate an otherwise valid sale. The county auditor shall prepare the notice in the form prescribed by the state board of accounts. The notice must set forth the key number, if any, of the real property and a street address, if any, or other common description of the property other than a legal description. The notice must include the statement set forth in section ~~2(a)(4)~~ **2(b)(4)** of this chapter. With respect to a tract or an item of real property that is subject to sale under this chapter after June 30, 2012, and before July 1, 2013, the notice must include a statement declaring whether an ordinance adopted under IC 6-1.1-37-10.1 is in effect in the county and, if applicable, an explanation of the circumstances in which penalties on the delinquent taxes and special assessments will be waived. The county auditor must present proof of this mailing to the court along with the application for judgment and order for sale. Failure by an owner to receive or accept the notice required by this section does not affect the validity of the judgment and order. The owner of real property shall notify the county auditor of the owner's correct address. The notice required under this section is considered sufficient if the notice is mailed to the address or addresses required by this section.

**(b) In addition to the notice required under subsection (a) for real property on the list prepared under section 1(a)(2) (repealed) or 1.5(d) of this chapter, the county auditor shall prepare and mail the notice required under section 2-2 of this chapter no later than forty-five (45) days after the county auditor receives the certified list from the county treasurer under section 1(a) of this chapter.**

**(c) On or before the day of sale, the county auditor shall list, on the tax sale record required by IC 6-1.1-25-8, all properties that will be offered for sale.**



SECTION 9. IC 6-1.1-24-4.6, AS AMENDED BY P.L.89-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: Sec. 4.6. (a) On the day on which the application for judgment and order for sale is made, the county treasurer shall report to the county auditor all of the tracts and real property listed in the notice required by section 2 of this chapter upon which all delinquent taxes and special assessments, all penalties due on the delinquencies, any unpaid costs due from a prior tax sale, and the amount due under section ~~2(a)(3)(D)~~ **2(b)(3)(D)** of this chapter have been paid up to that time. The county auditor, assisted by the county treasurer, shall compare and correct the list, removing tracts and real property for which all delinquencies have been paid, and shall make and subscribe an affidavit in substantially the following form:

State of Indiana )

) ss

County of \_\_\_\_\_ )

I, \_\_\_\_\_, treasurer of the county of \_\_\_\_\_, and I, \_\_\_\_\_, auditor of the county of \_\_\_\_\_, do solemnly affirm that the foregoing is a true and correct list of the real property within the county of \_\_\_\_\_ upon which have remained delinquent uncollected taxes, special assessments, penalties and costs, as required by law for the time periods set forth, to the best of my knowledge and belief.

\_\_\_\_\_  
County Treasurer

\_\_\_\_\_  
County Auditor

Dated \_\_\_\_\_

I, \_\_\_\_\_, auditor of the county of \_\_\_\_\_, do solemnly affirm that notice of the application for judgment and order for sale was mailed via certified mail to the owners on the foregoing list, and publication made, as required by law.

\_\_\_\_\_  
County Auditor

Dated \_\_\_\_\_

(b) Application for judgment and order for sale shall be made as one (1) cause of action to any court of competent jurisdiction jointly by the county treasurer and county auditor. The application shall include the names of at least one (1) of the owners of each tract or item of real property, the dates of mailing of the notice required by ~~sections section 2 and 2.2~~ **section 2** of this chapter, the dates of publication required by section 3 of this chapter, and the affidavit and corrected list as provided in



1 subsection (a).

2 (c) Any defense to the application for judgment and order of sale  
3 shall be filed with the court on or before the earliest date on which the  
4 application may be made as set forth in the notice required under  
5 section 2 of this chapter. The county auditor and the county treasurer  
6 for the county where the real property is located are entitled to receive  
7 all pleadings, motions, petitions, and other filings related to a defense  
8 to the application for judgment and order of sale.

9 SECTION 10. IC 6-1.1-24-5, AS AMENDED BY THE  
10 TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL  
11 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 5. (a) When a tract or an  
13 item of real property is subject to sale under this chapter, it must be  
14 sold in compliance with this section.

15 (b) The sale must:

- 16 (1) be held at the times and place stated in the notice of sale; and  
17 (2) not extend beyond one hundred seventy-one (171) days after  
18 the list containing the tract or item of real property is certified to  
19 the county auditor.

20 (c) A tract or an item of real property may not be sold under this  
21 chapter to collect:

- 22 (1) delinquent personal property taxes; or  
23 (2) taxes or special assessments which are chargeable to other real  
24 property.

25 (d) A tract or an item of real property may not be sold under this  
26 chapter if all the delinquent taxes, penalties, and special assessments  
27 on the tract or an item of real property and the amount prescribed by  
28 section ~~2(a)(3)(D)~~ **1.5 or 2(b)(3)(D)** of this chapter, **whichever**  
29 **applies**, reflecting the costs incurred by the county due to the sale, are  
30 paid before the time of sale.

31 (e) The county treasurer shall sell the tract or item of real property,  
32 subject to the right of redemption, to the highest bidder at public  
33 auction whose bid is at least the minimum bid specified in subsection  
34 (f) or (g), as applicable. **The right of redemption after a sale does not**  
35 **apply to an item of real property that is on the vacant and**  
36 **abandoned property list prepared by the county auditor under**  
37 **section 1.5 of this chapter.**

38 (f) Except as provided in **section 1.5 of this chapter** and subsection  
39 (g), a tract or an item of real property may not be sold for an amount  
40 which is less than the sum of:

- 41 (1) the delinquent taxes and special assessments on each tract or  
42 item of real property;



(2) the taxes and special assessments on each tract or item of real property that are due and payable in the year of the sale, regardless of whether the taxes and special assessments are delinquent;

(3) all penalties which are due on the delinquencies;

(4) the amount prescribed by section ~~2(a)(3)(D)~~ **2(b)(3)(D)** of this chapter reflecting the costs incurred by the county due to the sale;

(5) any unpaid costs which are due under section ~~2(b)~~ **2(c)** of this chapter from a prior tax sale; and

(6) other reasonable expenses of collection, including title search expenses, uniform commercial code expenses, and reasonable attorney's fees incurred by the date of the sale.

The amount of penalties due on the delinquencies under subdivision (3) must be adjusted in accordance with IC 6-1.1-37-10.1, if applicable.

(g) If an ordinance adopted under section 15(a) of this chapter is in effect in the county in which a tract or an item of real property is located, the tract or item of real property may not be sold for an amount that is less than the lesser of:

(1) the amount determined under subsection (f); or

(2) seventy-five percent (75%) of the gross assessed value of the tract or item of real property, as determined on the most recent assessment date.

(h) For purposes of the sale, it is not necessary for the county treasurer to first attempt to collect the real property taxes or special assessments out of the personal property of the owner of the tract or real property.

(i) The county auditor shall serve as the clerk of the sale.

(j) Real property certified to the county auditor under section ~~1(a)(2)~~ **1.5** of this chapter (~~repealed~~) must be offered for sale in a different phase of the tax sale or on a different day of the tax sale than the phase or day during which other real property is offered for sale.

(k) The public auction required under subsection (e) may be conducted by electronic means, at the option of the county treasurer. The electronic sale must comply with the other statutory requirements of this section. If an electronic sale is conducted under this subsection, the county treasurer shall provide access to the electronic sale by providing computer terminals open to the public at a designated location. A county treasurer who elects to conduct an electronic sale may receive electronic payments and establish rules necessary to secure the payments in a timely fashion. The county treasurer may not add an additional cost of sale charge to a parcel for the purpose of conducting the electronic sale.



1 SECTION 11. IC 6-1.1-24-6.3, AS AMENDED BY P.L.56-2012,  
 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 6.3. (a) The sale of  
 4 certificates of sale under this chapter must be held at the time and place  
 5 stated in the notice of sale.

6 (b) A certificate of sale may not be sold under this chapter if the  
 7 following are paid before the time of sale:

8 (1) All the delinquent taxes, penalties, and special assessments on  
 9 the tract or an item of real property.

10 (2) The amount prescribed by section ~~2(a)(3)(D)~~ **2(b)(3)(D)** of  
 11 this chapter, reflecting the costs incurred by the county due to the  
 12 sale.

13 (c) The county executive shall sell the certificate of sale, subject to  
 14 the right of redemption, to the highest bidder at public auction. The  
 15 public auction may be conducted as an electronic sale in conformity  
 16 with section 5(k) of this chapter.

17 (d) The county auditor shall serve as the clerk of the sale.

18 SECTION 12. IC 6-1.1-24-6.8, AS AMENDED BY THE  
 19 TECHNICAL CORRECTIONS BILL OF THE 2015 GENERAL  
 20 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 6.8. (a) For purposes of  
 22 this section, in a county containing a consolidated city "county  
 23 executive" refers to the board of commissioners of the county as  
 24 provided in IC 36-3-3-10.

25 (b) As used in this section, "vacant parcel" refers to a parcel that  
 26 satisfies the following:

27 (1) A lien has been acquired on the parcel under section 6(a) of  
 28 this chapter.

29 (2) If the parcel is improved on the date the certificate of sale for  
 30 the parcel or the vacant parcel is offered for sale under this  
 31 chapter, the following apply:

32 (A) One (1) or more of the following are located on the parcel:

33 (i) A structure that may be lawfully occupied for residential  
 34 use.

35 (ii) A structure used in conjunction with a structure that may  
 36 be lawfully occupied for residential use.

37 (B) The parcel is:

38 (i) on the list of vacant or abandoned properties designated  
 39 under section ~~1(a)(2)~~ **1.5** of this chapter; ~~(repeated)~~; or

40 (ii) not occupied by a tenant or a person having a substantial  
 41 property interest of public record in the parcel.

42 (3) On the date the certificate of sale for the parcel or the vacant



1 parcel is offered for sale under this chapter, the parcel is  
 2 contiguous to one (1) or more parcels that satisfy the following:

3 (A) One (1) or more of the following are located on the  
 4 contiguous parcel:

5 (i) A structure occupied for residential use.

6 (ii) A structure used in conjunction with a structure  
 7 occupied for residential use.

8 (B) The contiguous parcel is eligible for the standard  
 9 deduction under IC 6-1.1-12-37.

10 (c) A county legislative body may adopt an ordinance authorizing  
 11 the sale of vacant parcels and certificates of sale for vacant parcels in  
 12 the county under this section. The ordinance may establish criteria for  
 13 the identification of vacant parcels and certificates of sale for vacant  
 14 parcels to be offered for sale under this section. The criteria may  
 15 include the following:

16 (1) Limitations on the use of the parcel under local zoning and  
 17 land use requirements.

18 (2) If the parcel is unimproved, the minimum parcel area  
 19 sufficient for construction of improvements.

20 (3) Any other factor considered appropriate by the county  
 21 legislative body.

22 In a county containing a consolidated city, the county legislative body  
 23 may adopt an ordinance under this subsection only upon  
 24 recommendation by the board of commissioners provided in  
 25 IC 36-3-3-10.

26 (d) If the county legislative body adopts an ordinance under  
 27 subsection (c), the county executive shall for each sale under this  
 28 section:

29 (1) by resolution, and subject to the criteria adopted by the county  
 30 legislative body under subsection (c), identify each vacant parcel  
 31 for which the county executive desires to sell the vacant parcel or  
 32 the certificate of sale for the vacant parcel under this section; and

33 (2) subject to subsection (e), give written notice to the owner of  
 34 record of each parcel referred to in subsection (b)(3) that is  
 35 contiguous to the vacant parcel.

36 (e) The notice under subsection (d)(2) with respect to each vacant  
 37 parcel must include at least the following:

38 (1) A description of the vacant parcel by:

39 (A) legal description; and

40 (B) parcel number or street address, or both.

41 (2) Notice that the county executive will accept written  
 42 applications from owners of parcels described in subsection (b)(3)



as provided in subsection (f).

(3) Notice of the deadline for applications referred to in subdivision (2) and of the information to be included in the applications.

(4) Notice that the vacant parcel or certificate of sale for the vacant parcel will be sold to the successful applicant for:

(A) one dollar (\$1); plus

(B) the amounts described in section 5(f)(4) through 5(f)(6) of this chapter.

(f) To be eligible to purchase a vacant parcel or the certificate of sale for a vacant parcel under this section, the owner of a contiguous parcel referred to in subsection (b)(3) must file a written application with the county executive. The application must:

(1) identify the vacant parcel or certificate of sale that the applicant desires to purchase; and

(2) include any other information required by the county executive.

(g) If more than one (1) application to purchase a single vacant parcel or the certificate of sale for a single vacant parcel is filed with the county executive, the county executive shall conduct a drawing between or among the applicants in which each applicant has an equal chance to be selected as the transferee of the vacant parcel or certificate of sale for the vacant parcel.

(h) The county executive shall by resolution make a final determination concerning the vacant parcels or certificates of sale for vacant parcels that are to be sold under this section.

(i) After the final determination of the vacant parcels and certificates of sale for vacant parcels to be sold under subsection (h), the county executive shall:

(1) on behalf of the county, cause all delinquent taxes, special assessments, penalties, and interest with respect to the vacant parcels to be removed from the tax duplicate; and

(2) give notice of the final determination to:

(A) the successful applicant;

(B) the county auditor; and

(C) the township assessor, or the county assessor if there is no township assessor for the township.

(j) Upon receipt of notice under subsection (i)(2):

(1) the county auditor shall:

(A) collect the purchase price from each successful applicant;

and

(B) subject to subsection (k), prepare a tax deed transferring



1 each vacant parcel to the successful applicant, if the conditions  
 2 of IC 6-1.1-25-4.5 and IC 6-1.1-25-4.6 are satisfied; and  
 3 (2) if the vacant parcel is unimproved, the township assessor or  
 4 county assessor shall consolidate each unimproved parcel sold  
 5 and the contiguous parcel owned by the successful applicant into  
 6 a single parcel.

7 (k) For a deed issued under subsection (j)(1)(B) before July 1, 2013,  
 8 a county auditor shall include in the deed prepared under subsection  
 9 (j)(1)(B) reference to the exemption under subsection (l).

10 (l) This subsection applies only to a vacant parcel consolidated with  
 11 a successful applicant's contiguous parcel under this section before July  
 12 1, 2013. Subject to subsection (m), each consolidated parcel to which  
 13 this subsection applies is exempt from property taxation for the period  
 14 beginning on the assessment date that next succeeds the consolidation  
 15 in the amount of the assessed value at the time of consolidation of the  
 16 vacant parcel that was subject to the consolidation.

17 (m) This subsection applies only to a vacant parcel consolidated  
 18 with a successful applicant's contiguous parcel under this section  
 19 before July 1, 2013. The exemption under subsection (l) is terminated  
 20 as of the assessment date that next succeeds the earlier of the  
 21 following:

22 (1) Five (5) years after the transfer of title to the successful  
 23 applicant.

24 (2) The first transfer of title to the consolidated parcel that occurs  
 25 after the consolidation.

26 (n) If a tax deed is issued for an improved vacant parcel after June  
 27 30, 2013, under this section or under IC 6-1.1-25-4.6 following the  
 28 purchase of a certificate of sale under this section, the successful  
 29 applicant may not sell the improved vacant parcel until after the first  
 30 anniversary of the date on which the tax deed for the improved vacant  
 31 parcel is issued to the successful applicant.

32 SECTION 13. IC 6-1.1-24-13, AS AMENDED BY P.L.56-2012,  
 33 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 13. (a) Whenever:

35 (1) a tract is offered for sale under this chapter; and

36 (2) no bid is received for the minimum sale price set under  
 37 section 5 of this chapter;

38 the county auditor shall prepare a certified statement of the actual costs  
 39 incurred by the county described in section ~~2(a)(3)(D)~~ **2(b)(3)(D)** of  
 40 this chapter.

41 (b) The county auditor shall place the amount specified in the  
 42 certified statement prepared under subsection (a) on the tax duplicate



of the tract offered but not sold at the sale. The amount shall be collected as real property taxes are collected and paid into the county general fund.

(c) Whenever the minimum sales price is not received for a property that is on the list of abandoned or vacant property prepared under section 1.5 of this chapter, the executive of the county, city, or town that certified the property for the list may request that the county auditor execute and deliver a deed for the property to the executive. The request must be delivered to the county auditor within six (6) months after the date of sale. If it is an executive of a city or town that certified the property for the list prepared under section 1.5 of this chapter, and the executive does not deliver a request for a deed within six (6) months after the date of sale, the executive of the county may request that the county auditor execute and deliver a deed for the property to the county executive. The request must be delivered to the county auditor within nine (9) months after the date of sale.

SECTION 14. IC 6-1.1-25-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: **Sec. 0.5. This chapter does not apply to vacant or abandoned real property that is on the list prepared by the county auditor under IC 6-1.1-24-1.5 unless the bid on the real property by the highest bidder is not at least the minimum bid and the county auditor executes and delivers a deed for the real property to the executive of a county, city, or town under IC 6-1.1-24-13(c). There is no right to redeem real property under this chapter after its sale under IC 6-1.1-24, if the real property is on the vacant and abandoned property list prepared by the county auditor under IC 6-1.1-24-1.5.**

SECTION 15. IC 6-1.1-25-4, AS AMENDED BY P.L.94-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]: **Sec. 4. (a) There is no right to redeem real property under this chapter after its sale under IC 6-1.1-24, if the real property is on the vacant and abandoned property list prepared by the county auditor under IC 6-1.1-24-1.5.** The period for redemption of **any other** real property sold under IC 6-1.1-24 ~~except for IC 6-1.1-24-1.5~~ is:

(1) one (1) year after the date of sale; or

(2) one hundred twenty (120) days after the date of sale to a purchasing agency qualified under IC 36-7-17 or IC 36-7-17.1.

(b) Subject to subsection (1) and IC 6-1.1-24-9(d), the period for redemption of real property:



(1) on which the county executive acquires a lien under IC 6-1.1-24-6; and

(2) for which the certificate of sale is not sold under IC 6-1.1-24-6.1;

is one hundred twenty (120) days after the date the county executive acquires the lien under IC 6-1.1-24-6.

(c) The period for redemption of real property:

(1) on which the county executive acquires a lien under IC 6-1.1-24-6; and

(2) for which the certificate of sale is sold under IC 6-1.1-24;

is one hundred twenty (120) days after the date of sale of the certificate of sale under IC 6-1.1-24.

(d) When a deed for real property is executed under this chapter, the county auditor shall cancel the certificate of sale and file the canceled certificate in the office of the county auditor. ~~If real property that appears on the list prepared under IC 6-1.1-24-1.5 is offered for sale and an amount that is at least equal to the minimum sale price required under IC 6-1.1-24-5 is not received, the county auditor shall issue a deed to the real property, subject to this chapter.~~

(e) When a deed is issued to a county executive under this chapter, the taxes and special assessments for which the real property was offered for sale, and all subsequent taxes, special assessments, interest, penalties, and cost of sale shall be removed from the tax duplicate in the same manner that taxes are removed by certificate of error.

(f) A tax deed executed under this chapter vests in the grantee an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale except those liens granted priority under federal law and the lien of the state or a political subdivision for taxes and special assessments which accrue subsequent to the sale and which are not removed under subsection (e). However, subject to subsection (g), the estate is subject to:

(1) all easements, covenants, declarations, and other deed restrictions shown by public records;

(2) laws, ordinances, and regulations concerning governmental police powers, including zoning, building, land use, improvements on the land, land division, and environmental protection; and

(3) liens and encumbrances created or suffered by the grantee.

(g) A tax deed executed under this chapter for real property sold in a tax sale:

(1) does not operate to extinguish an easement recorded before



the date of the tax sale in the office of the recorder of the county in which the real property is located, regardless of whether the easement was taxed under this article separately from the real property; and

(2) conveys title subject to all easements recorded before the date of the tax sale in the office of the recorder of the county in which the real property is located.

(h) A tax deed executed under this chapter is prima facie evidence of:

(1) the regularity of the sale of the real property described in the deed;

(2) the regularity of all proper proceedings; and

(3) valid title in fee simple in the grantee of the deed.

(i) A county auditor is not required to execute a deed to the county executive under this chapter if the county executive determines that the property involved contains hazardous waste or another environmental hazard for which the cost of abatement or alleviation will exceed the fair market value of the property. The county executive may enter the property to conduct environmental investigations.

(j) If the county executive makes the determination under subsection (i) as to any interest in an oil or gas lease or separate mineral rights, the county treasurer shall certify all delinquent taxes, interest, penalties, and costs assessed under IC 6-1.1-24 to the clerk, following the procedures in IC 6-1.1-23-9. After the date of the county treasurer's certification, the certified amount is subject to collection as delinquent personal property taxes under IC 6-1.1-23. Notwithstanding IC 6-1.1-4-12.4 and IC 6-1.1-4-12.6, the assessed value of such an interest shall be zero (0) until production commences.

(k) When a deed is issued to a purchaser of a certificate of sale sold under IC 6-1.1-24-6.1, the county auditor shall, in the same manner that taxes are removed by certificate of error, remove from the tax duplicate the taxes, special assessments, interest, penalties, and costs remaining due as the difference between:

(1) the amount of:

(A) the last minimum bid under IC 6-1.1-24-5; plus

(B) any penalty associated with a delinquency that was not due until after the date of the sale under IC 6-1.1-24-5 but is due before the issuance of the certificate of sale, with respect to taxes included in the minimum bid that were not due at the time of the sale under IC 6-1.1-24-5; and

(2) the amount paid for the certificate of sale.

(l) If a tract or item of real property did not sell at a tax sale and the



1 county treasurer and the owner of real property agree before the  
 2 expiration of the period for redemption under subsection (b) to a  
 3 mutually satisfactory arrangement for the payment of the entire amount  
 4 required for redemption under section 2 of this chapter before the  
 5 expiration of a period for redemption extended under this subsection:

6 (1) the county treasurer may extend the period for redemption;  
 7 and

8 (2) except as provided in subsection (m), the extended period for  
 9 redemption expires one (1) year after the date of the agreement.

10 (m) If the owner of real property fails to meet the terms of an  
 11 agreement entered into with the county treasurer under subsection (l),  
 12 the county treasurer may terminate the agreement after providing thirty  
 13 (30) days written notice to the owner. If the county treasurer gives  
 14 notice under this subsection, the extended period for redemption  
 15 established under subsection (l) expires thirty (30) days after the date  
 16 of the notice.

17 SECTION 16. IC 6-1.1-25-4.7 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JANUARY 1, 2015 (RETROACTIVE)]:  
 19 Sec. 4.7. (a) A county auditor and county treasurer may enter into a  
 20 mutual agreement for the county auditor to perform the following  
 21 duties instead of the purchaser:

22 (1) Notification and title search under section 4.5 of this chapter.

23 (2) Notification and petition to the court for the tax deed under  
 24 section 4.6 of this chapter.

25 (b) If a county auditor and county treasurer enter into an agreement  
 26 under this section, notice shall be given under ~~IC 6-1.1-24-2(a)(11):~~  
 27 **IC 6-1.1-24-2(b)(12).**

28 SECTION 17. IC 32-30-10.6-3.5, AS AMENDED BY P.L.66-2014,  
 29 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 3.5. (a) This section  
 31 applies to a property whether or not there is a mortgage on the property.

32 (b) As an alternative to seeking a determination of abandonment  
 33 under any other statute:

34 (1) the executive of a county, city, or town that

35 ~~(1) has jurisdiction in the location of a property, and~~

36 ~~(2) does not have a person designated as a hearing authority;~~  
 37 ~~as defined by IC 36-7-9-2;~~

38 may petition a court for a determination that the property is  
 39 abandoned; or

40 (2) an enforcement authority, as defined by IC 36-7-9-2, may  
 41 seek a determination from a hearing authority under  
 42 IC 36-7-9. The hearing authority may make a determination



1           **of abandonment using the standards set forth in section 5 of**  
 2           **this chapter after notice to the owner and a hearing under**  
 3           **IC 36-7-9-7.**

4           (c) A petition filed with the court under this section **or an order by**  
 5           **an enforcement authority under IC 36-7-9-7 with respect to**  
 6           **property for which a determination of abandonment is being**  
 7           **sought under this section** must do all the following:

8           (1) Include a statement of the ~~enforcement authority's~~ jurisdiction  
 9           **of the county, city, or town** in the location of the property.

10          (2) Allege that the property is abandoned.

11          (3) Include evidence that one (1) or more of the conditions set  
 12          forth in section 5(a) or 5(b) of this chapter apply.

13          **(4) Include a statement that if the property is determined to**  
 14          **be abandoned, the property may be sold by the county and the**  
 15          **owner will have no right of redemption with respect to the**  
 16          **property after the sale.**

17          (d) A petition under this section **or an order by an enforcement**  
 18          **authority under IC 36-7-9-7 with respect to property for which a**  
 19          **determination of abandonment is being sought under this section**  
 20          shall be served on:

21          (1) the creditor and the debtor, if the property is subject to a  
 22          mortgage; and

23          (2) any other appropriate party;

24          in the manner prescribed by the Indiana Rules of Trial Procedure **in the**  
 25          **case of a petition or in the manner prescribed by IC 36-7-9-7 in the**  
 26          **case of an order by an enforcement authority.**

27          SECTION 18. IC 32-30-10.6-4, AS AMENDED BY P.L.203-2013,  
 28          SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29          JANUARY 1, 2015 (RETROACTIVE)]: Sec. 4. (a) Upon receiving a  
 30          request for a determination of abandonment from a creditor, ~~or~~ an  
 31          enforcement authority, **or an executive of a county, city, or town**  
 32          through a petition or motion filed with the court and served on the  
 33          required parties in accordance with section 3 or 3.5 of this chapter, the  
 34          court shall issue an order to show cause as to why the property should  
 35          not be found to be abandoned and directing the petitioner, the debtor,  
 36          and any other person or party the court considers appropriate to appear  
 37          before the court on a date and time specified in the order under  
 38          subdivision (1). The court's order under this subsection must do the  
 39          following:

40          (1) Direct the parties subject to the order to appear before the  
 41          court on a date and time specified by the court. The date specified  
 42          under this subdivision must not be:



- 1 (A) earlier than fifteen (15) days; or  
 2 (B) later than twenty-five (25) days;  
 3 after the date of the court's order under this section.  
 4 (2) Notify the parties subject to the order that any party ordered  
 5 to appear:  
 6 (A) may present evidence or objections on the issue of  
 7 abandonment to the court:  
 8 (i) in writing before the appearance date specified by the  
 9 court under subdivision (1); or  
 10 (ii) in writing or by oral testimony on the date and at the  
 11 time specified by the court under subdivision (1);  
 12 in the manner specified by the court; and  
 13 (B) has the right to be represented by an attorney when  
 14 appearing before the court.  
 15 (3) Notify the parties subject to the order that if a party fails to:  
 16 (A) submit written evidence or objections to the court before  
 17 the appearance date specified by the court under subdivision  
 18 (1); or  
 19 (B) appear before the court on the date and at the time  
 20 specified by the court under subdivision (1);  
 21 the party's failure to submit evidence or objections or to appear  
 22 before the court will result in a finding of abandonment by the  
 23 court.  
 24 (b) A party subject to an order issued by the court under this section  
 25 has the following rights, as described in the court's order under  
 26 subsection (a):  
 27 (1) The right to present evidence or objections on the issue of  
 28 abandonment to the court:  
 29 (A) in writing before the appearance date specified in the  
 30 court's order under subsection (a)(1); or  
 31 (B) in writing or by oral testimony on the date and at the time  
 32 specified in the court's order under subsection (a)(1);  
 33 in the manner specified by the court.  
 34 (2) The right to be represented by an attorney when appearing  
 35 before the court.  
 36 SECTION 19. IC 32-30-10.6-5, AS AMENDED BY P.L.203-2013,  
 37 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JANUARY 1, 2015 (RETROACTIVE)]: Sec. 5. (a) Subject to  
 39 subsection (b), for purposes of an abandonment determination under  
 40 this chapter, one (1) or more of the following constitute prima facie  
 41 evidence that property is abandoned:  
 42 (1) The enforcement authority that has jurisdiction in the location



of the property has issued an order under IC 36-7-36-9 with respect to the property.

(2) Windows or entrances to the property are boarded up or closed off.

(3) Multiple window panes on the property are broken and unrepaired.

(4) One (1) or more doors to the property are smashed through, broken off, unhinged, or continuously unlocked.

(5) Gas service, electric service, water service, or other utility service to the property has been terminated.

(6) Rubbish, trash, or debris has accumulated on the property.

(7) The property is deteriorating and is either below or in imminent danger of falling below minimum community standards for public safety and sanitation.

(8) The creditor has changed the locks on the property and for at least fifteen (15) days after the changing of the locks the owner has not requested entrance to the property.

(9) There exist one (1) or more written statements, including documents of conveyance, that have been executed by the debtor, or by the debtor's personal representatives or assigns, and that indicate a clear intent to abandon the property.

(10) There exists other evidence indicating a clear intent to abandon the property.

(b) Regardless of whether any of the conditions described in subsection (a) are found to apply, the debtor's failure to either:

(1) present evidence or objections on the issue of abandonment to the court **or hearing authority** in writing before the appearance date specified in the court's order under section 4(a)(1) of this chapter **or the date specified by the hearing authority under IC 36-7-9;** or

(2) appear before the court on the date specified in the court's order under section 4(a)(1) of this chapter **or before the hearing authority on the date specified by the hearing authority under IC 36-7-9;**

constitutes prima facie evidence that the property is abandoned.

(c) If the court **or hearing authority** finds that:

(1) one (1) or more of the conditions described in subsection (a) apply; or

(2) the circumstances described in subsection (b) apply;

the court **or hearing authority** shall issue an order finding that the property is abandoned.

SECTION 20. IC 32-30-10.6-6, AS ADDED BY P.L.66-2014,



SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JANUARY 1, 2015 (RETROACTIVE)]: Sec. 6. (a) This section  
applies ~~only~~ to:

(1) a petition by the executive of a county, city, or town for a court  
order of abandonment; **and**

**(2) an order by an enforcement authority under IC 36-7-9-7.**

(b) Instead of providing notice at least one hundred twenty (120)  
days before the date of a certification under IC 6-1.1-24-1.5, the  
executive of the county, city, or town that is filing the petition **or the**  
**enforcement authority that issued the order under IC 36-7-9-7** may  
provide the notice referred to IC 6-1.1-24-2.3 at least one hundred  
twenty (120) days before ~~a the~~ petition is filed under section 3.5 of this  
chapter **or the order is sent under IC 36-7-9-7.**

(c) A court order **or hearing authority determination** of  
abandonment under this chapter authorizes the sale of the property and  
transfer of the deed of the property under ~~IC 6-1.1-24-1.5~~ **IC 6-1.1-24.**

SECTION 21. **An emergency is declared for this act.**

